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Attorney for Defendant Imperial Pacific Int'l (CNMI), LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

RONGKUN XIAO, an individual,

Plaintiff,

vs.

IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,

Defendant.

Civil Case No. CV-22-00003

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT &
DEMAND FOR JURY TRIAL and
AFFIRMATIVE DEFENSES**

COMES NOW, Defendant Imperial Pacific International (CNMI), LLC, by and through its counsel Joey P. San Nicolas, Esq., and hereby answers Plaintiff Rongkun Xiao's Complaint ("Complaint") & Demand for Jury Trial, and states as follows:

ANSWER

1. The allegations set forth in paragraphs 1 through 4 of the Complaint are admitted.
2. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraphs 5 through 14 of the Complaint, and therefore DENIES the same.
3. The allegations set forth in paragraph 15 of the Complaint are admitted.
4. Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraphs 16 through 36 of the Complaint, and therefore DENIES the

1 same.

2 5. The allegations set forth in paragraphs 37 through 57 of the Complaint are DENIED.

3 6. The allegations set forth in paragraph 58 of the Complaint are admitted.

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5 **AFFIRMATIVE DEFENSES**

6 1. Plaintiff failed to state a claim upon which relief could be granted.

7 2. Job-Related Practice.

8 3. Business Necessity.

9 4. Merit-based Employment.

10 5. Seniority-based Employment.

11 6. Bona Fide Occupational Qualification.

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14 **PRAYER FOR RELIEF**

15 WHEREFORE, Defendant Imperial Pacific International (CNMI), LLC request:

16 1. That Plaintiff's claims be dismissed with prejudice and that Plaintiff take nothing from
17 Defendant Imperial Pacific International (CNMI), LLC thereby;

18 2. Judgment against the Plaintiff for costs of suit and other fees; and

19 3. For such other and further relief as the Court may deem proper and/or equitable.

20 Respectfully submitted this 26th day of April, 2022.

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23 /s/ Joey P. San Nicolas

24 JOEY P. SAN NICOLAS (F0342)

25 Attorney for Defendant Imperial Pacific
26 International (CNMI), LLC
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